

ESTTA Tracking number: **ESTTA202373**Filing date: **04/02/2008**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Miguel Torres, S.A.		
Entity	Spain Sociedad An&ocute;nima	Citizenship	Spain
Address	Miguel Torres i Carb&ocute; 6 08720-Vilafranca del Penedes (Barcelona), SPAIN		

Attorney information	J. Scott Gerien Dickenson, Peatman & Fogarty 809 Coombs Street Napa, CA 94559 UNITED STATES tmdept@dpf-law.com Phone:707-252-7122
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Applicant Information

Application No	79031613	Publication date	03/11/2008
Opposition Filing Date	04/02/2008	Opposition Period Ends	04/10/2008
International Registration No.	0905213	International Registration Date	07/31/2006
Applicant	GRANDES VINOS Y VIÑEDOS, S.A. Ctra. Valencia, km. 45,700 E-50400 CARIÑENA (ZARAGOZA), SPAIN		

Goods/Services Affected by Opposition

Class 033. All goods and services in the class are opposed, namely: Red, white and rosé wine
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Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2303918	Application Date	09/11/1998
Registration Date	12/28/1999	Foreign Priority Date	NONE
Word Mark	CORONAS		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 033. First use: First Use: 1942/00/00 First Use In Commerce: 1962/12/31 WINES

U.S. Registration No.	2328360	Application Date	09/11/1998
Registration Date	03/14/2000	Foreign Priority Date	NONE
Word Mark	GRAN CORONAS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 033. First use: First Use: 1969/00/00 First Use In Commerce: 1969/12/31 WINES		

Attachments	75551945#TMSN.gif (1 page)(bytes) 75551941#TMSN.gif (1 page)(bytes) Notice of Opposition (040208).pdf (5 pages)(132137 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/J. Scott Gerien/
Name	J. Scott Gerien
Date	04/02/2008

Certificate of Electronic Filing

I hereby certify that this correspondence is being electronically filed with the Trademark Trial and Appeal Board through the ESTTA system located at <<http://estta.uspto.gov>>.

Dated: 4/2/2008

By Megan Healy
Megan Ferrigan Healy

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD

Miguel Torres, S.A.,

Opposer,

vs.

Grandes Vinos y Viñedos, S.A. (Spain
Sociedad Anónima)

Applicant.

OPPOSITION NO.

NOTICE OF OPPOSITION

TO THE COMMISSIONER OF TRADEMARKS:

Miguel Torres, S.A. (Spain Sociedad Anónima), an entity organized under the laws of Spain and located at Miquel Torres i Carbó 6, 08720-Vilafranca del Penedès (Barcelona), Spain ("Opposer"), believes it will be damaged by registration of the mark CORONA DE ARAGÓN and Design for red, white, and rosé wine, shown in Application Serial No. 79/031613, filed on July 31, 2006, by Grandes Vinos y Viñedos, S.A. (Spain Sociedad Anónima), an entity organized under the laws of Spain ("Applicant"), and hereby opposes same.

Solely for the purpose of this proceeding, Opposer alleges the following as grounds for opposition:

1. Applicant seeks to register CORONA DE ARAGÓN and Design as a trademark for red, white, and rosé wine in International Class 33, Application Serial No. 79/031613, based on an International Registration for such mark, as evidenced by the publication of such mark in the Official Gazette on March 11, 2008. The application for CORONA DE ARAGÓN and Design was filed with the USPTO on July 31, 2006.
2. Opposer has been using a family of “CORONAS” trademarks on wine and other alcoholic beverages for over forty (40) years, including CORONAS and GRAN CORONAS (collectively, the “CORONAS Marks”), all of which have been in use long prior to any known date of first use or constructive filing date for Applicant’s CORONA DE ARAGÓN and Design mark for red, white, and rosé wine.
3. Opposer is the owner of incontestable U.S. Trademark Registration No. 2,303,918 issued on December 28, 1999, for the mark CORONAS for wines in International Class 33, with a first use date of December 31, 1962, which precedes any known date of first use or constructive filing date for Applicant’s CORONA DE ARAGÓN and Design mark for red, white, and rosé wine.
4. Opposer is the owner of incontestable U.S. Trademark Registration No. 2,328,360 issued on March 14, 2000, for the mark GRAN CORONAS for wines in International Class 33, with a first use date of December 31, 1969, which precedes any known date of first use or constructive filing date for Applicant’s CORONA DE ARAGÓN and Design mark for red, white, and rosé wine.
5. Opposer alleges that Applicant’s applied-for mark is likely to cause confusion, mistake or to deceive the public. Applicant’s CORONA DE ARAGÓN and Design mark for red, white, and rosé wine is similar to Opposer’s CORONAS Marks, the respective goods on which the marks are used are identical, virtually identical, substantially similar, or related and said products are purchased by the same group of consumers. Applicant’s CORONA DE ARAGÓN and Design mark is also likely to be perceived by consumers as part of Opposer’s family of

1 "CORONAS" marks. Accordingly, Applicant's mark is confusingly similar to
2 Opposer's various individual CORONAS Marks and its family of "CORONAS"
3 marks such that Applicant is not entitled to register its mark and Applicant's
4 application should be denied in accordance with Section 2(d) of the Trademark
5 Act of 1946, 15 U.S.C. §1052(d).

- 6 6. Opposer avers that if Applicant is granted the registration herein opposed, it
7 would interfere with Opposer's exclusive right to use its CORONAS Marks
8 herein relied upon, all to the detriment and damage of Opposer. Accordingly,
9 Opposer avers that for the reasons aforesaid, it will be damaged by a grant of
10 registration to Applicant of its trademark which is the subject of Serial No.
11 79/031613.

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14 WHEREFORE, Opposer prays as follows:

- 15 1. That this Opposition be sustained;
16 2. That Application Serial No. 79/031613 be rejected; and
17 3. That registration of the trademark CORONA DE ARAGÓN and Design shown
18 and specified in Application Serial No. 79/031613 be refused and denied.
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1 Please charge Opposer's counsel's Deposit Account #503564 the \$300 filing fee for the
2 Opposition, and any other fees which may be necessary to effect the filing of this opposition.
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4 Dated: 4/2/2008
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Respectfully submitted,

DICKENSON, PEATMAN & FOGARTY

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7
8 By: 
9

J. Scott Gorien
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15 MIGUEL TORRES, S.A.
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PROOF OF SERVICE

I declare that I am over the age of 18 years, employed in the County of Napa, and not a party to the within action; my business address is 809 Coombs Street, Napa, California 94559.

On April 2, 2008, I served the attached **NOTICE OF OPPOSITION** on the person(s) listed below:

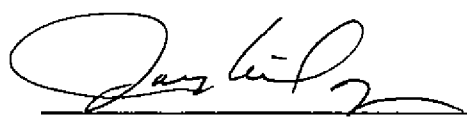
SHIELD MARK B.V.
OVERSCHIESTRAAT 61
NL-1062 XD AMSTERDAM
NETHERLANDS (HOLLAND)

GRANDES VINOS Y VIÑEDOS, S.A.
CTRA. VALENCIA, KM. 45,700
E-50400 CARINENA (ZARAGOZA)
SPAIN

by enclosing a true copy in a sealed envelope addressed as shown below and placing the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business' practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed April 2, 2008, at Napa, California.


JAYMIE KILGORE